



Town of Groton, Connecticut

Meeting Minutes

Town Council Committee of the Whole

45 Fort Hill Road
Groton, CT 06340-4394
Town Clerk (860)441-6640
Town Manager
(860)441-6630

Mayor Harry A. Watson, Councilors Peter J. Bartinik, Jr., Natalie Burfoot Billing, Heather Sherman Bond, Catherine Kolnaski, Frank O'Beirne, Jr., Paulann H. Sheets, Thomas J. Skrmetti, and Elissa T. Wright.

Tuesday, March 2, 2004

6:00 PM

Town Hall Annex - Community Room 1

SPECIAL MEETING

1. CALL TO ORDER

Mayor Watson called the meeting to order at 6:05 p.m.

Also present were Town Manager Mark Oefinger, Assistant to the Town Manager Lee Vincent and Executive Assistant Nicki Bresnayan.

2. ROLL CALL

Members Present: Mayor Watson, Councilor Bartinik, Jr., Councilor Bond, Councilor Kolnaski, Councilor Sheets, Councilor Skrmetti and Councilor Wright

Members Absent: Councilor Billing and Councilor O'Beirne, Jr.

3. NEW BUSINESS

2004-0091 Receipt of Planning Commission Report on Construction of a New Elementary School - Eastern Point

RESOLUTION ON RECEIPT OF PLANNING COMMISSION REPORT ON CONSTRUCTION OF A NEW ELEMENTARY SCHOOL - EASTERN POINT

WHEREAS the proposed bond ordinance was referred by the Town Council to the Town Planning Commission pursuant to CGS Section 8-24, and

WHEREAS the Planning Commission, at its meeting on February 23, 2004, acted to recommend that the ordinance go to referendum (April 27, 2004 - tentative date), now therefore be it

RESOLVED, that the Town Council has received the report of the Planning Commission.

Discussed

The Town Manager noted that staff met with the Planning Commission last week to discuss the referrals. As anticipated, there was significant discussion on Eastern Point, but ultimately the Planning Commission recommended in favor of the ordinance.

A motion was made by Mayor Watson, seconded by Councilor Sheets, that this matter be Recommended for a Resolution .

The motion carried unanimously.

2004-0092 Receipt of Planning Commission Report on Demolition of Freeman Hathaway and Construction of a New Elementary School

RESOLUTION ON RECEIPT OF PLANNING COMMISSION REPORT ON DEMOLITION OF FREEMAN HATHAWAY AND CONSTRUCTION OF A NEW ELEMENTARY SCHOOL

WHEREAS the proposed bond ordinance was referred by the Town Council to the Town Planning Commission pursuant to CGS Section 8-24, and

WHEREAS the Planning Commission, at its meeting on February 23, 2004, acted to recommend that the ordinance go to referendum (April 27, 2004 - tentative date), now therefore be it

RESOLVED, that the Town Council has received the report of the Planning Commission.

A motion was made by Councilor Skrmetti, seconded by Councilor Kolnaski, that this matter be Recommended for a Resolution .

The motion carried unanimously.

2004-0093 Receipt of Planning Commission Report on Renovations and Additions to Fitch High School

RESOLUTION ON RECEIPT OF PLANNING COMMISSION REPORT ON RENOVATIONS AND ADDITIONS TO FITCH HIGH SCHOOL

WHEREAS the proposed bond ordinance was referred by the Town Council to the Town Planning Commission pursuant to CGS Section 8-24, and

WHEREAS the Planning Commission, at its meeting on February 23, 2004, acted to recommend that the ordinance go to referendum (April 27, 2004 - tentative date), now therefore be it

RESOLVED, that the Town Council has received the report of the Planning Commission.

A motion was made by Councilor Bartinik, Jr., seconded by Councilor Wright, that this matter be Recommended for a Resolution .

The motion carried unanimously.

2004-0088 Adoption of Ordinance for Construction of a New Elementary School - Eastern Point

ADOPTION OF ORDINANCE APPROPRIATING \$26,100,000 FOR CONSTRUCTION OF A NEW ELEMENTARY SCHOOL ON EITHER THE EASTERN POINT SCHOOL SITE OR THE KING PROPERTY SITE AND AUTHORIZING THE ISSUE OF BONDS AND NOTES IN THE SAME AMOUNT TO FINANCE SAID APPROPRIATION

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GROTON:

Section 1. That the sum of TWENTY SIX MILLION ONE HUNDRED THOUSAND DOLLARS (\$26,100,000) is appropriated for construction of a new Elementary School to be located on either (a) the existing Eastern Point Elementary School property off Shennecosset Road in the southwestern part of Groton, or (b) a portion of Town-owned property, the so called King property, off Poquonock Road in the southwestern part of Groton. The project will include design and construction of an approximately 74,000 square foot new elementary school which will include approximately eighteen classrooms for grades kindergarten through five, a pre-kindergarten classroom, a science classroom, art classroom, music classroom, special education spaces, resource room, media center, gymnasium, cafeteria/multi-purpose room, kitchen, spaces and facilities for administration, support services and storage, recreational fields, parking and access drives, as well as any necessary demolition of existing school facilities, off site wetland mitigation and temporary classroom and school spaces. The appropriation may be spent for design and construction costs, demolition costs, equipment, furnishings, materials, land or easement acquisition, necessary utilities, parking, road and sidewalk improvements to and on the school site, site improvements, portable classrooms, storage and moving costs, architects' fees, engineering fees, construction manager fees, legal fees, net interest on borrowings and other financing costs, and other expenses related to the project or its financing. The Town Council, or its designee, shall approve the final concept for the school project, subject to the determination by the voters of the Town of the project site at referendum in accordance with the provisions of Sections 9 and 11 of this ordinance. The Town Council may reduce or modify the project and may delete portions of the project if funds are insufficient to complete the entire project.

Section 2. That the Town issue bonds or notes, in an amount not to exceed TWENTY SIX MILLION ONE HUNDRED THOUSAND DOLLARS (\$26,100,000) to finance the appropriation for the project. The amount of bonds or notes authorized to be issued shall be reduced by the amount of grants received by the Town for the project. The bonds or notes shall be issued pursuant to Section 7-369 and 10-289 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds or notes shall be secured by the irrevocable

pledge of the full faith and credit of the Town of Groton. The Town does hereby covenant and agree with the holders of the bonds or notes and all notes issued in anticipation of the receipt of the proceeds from the sale of such bonds or notes that in each year while any such bonds or notes are outstanding, it will levy and collect ad valorem taxes upon all taxable properties within the Town in an amount sufficient, with such other funds of the Town as shall be available for such purpose, to pay the interest and principal on the bonds or notes as the same become due and payable.

Section 3. That the Town issue and renew temporary notes from time to time in anticipation of the receipt of the proceeds from the sale of the bonds or notes for the project or the receipt of grants for the project. The amount of the notes outstanding at any time shall not exceed TWENTY SIX MILLION ONE HUNDRED THOUSAND DOLLARS (\$26,100,000). The notes shall be issued pursuant to Section 7-378 of the General Statutes of Connecticut, Revision of 1958, as amended. The notes shall be secured by the irrevocable pledge of the full faith and credit of the Town, payable as provided in Section 2. The Town shall comply with the provisions of Section 7-378a of the General Statutes with respect to any notes that do not mature within the time permitted by said Section 7-378.

Section 4. That the Town Council shall determine the amount of bonds or notes authorized by Section 2 to be sold. The Town Manager and the Director of Finance shall determine the amount of any temporary notes authorized by Section 3 to be sold. The Town Manager and the Director of Finance of the Town shall sign any bonds or notes by their manual or facsimile signatures. The law firm of Day, Berry & Howard LLP is designated as bond counsel to approve the legality of the bonds or notes. The Town Manager and the Director of Finance are authorized to determine the dates, interest rates, maturities, redemption provisions, form and other details of the bonds or notes; to provide for the keeping of a record of the bonds or notes; to designate one or more banks or trust companies to be certifying bank, registrar, transfer agent and paying agent for the bonds or notes; to designate a financial advisor to the Town in connection with the sale of the bonds or notes; to sell the bonds or notes at public or private sale; to deliver the bonds or notes; and to perform all other acts which are necessary or appropriate to issue the bonds or notes.

Section 5. That the Town hereby declares its official intent under Federal Income Tax Regulation Section 1.150-2 that project costs may be paid from temporary advances of available funds and that (except to the extent reimbursed from grant moneys) the Town reasonably expects to reimburse any such advances from the proceeds of borrowings in an aggregate principal amount not in excess of the amount of borrowing authorized above for the project. The Town Manager and the Director of Finance are authorized to amend such declaration of official intent as they deem necessary or advisable and to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds or notes authorized by this ordinance if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years.

Section 6. That the Town Manager and the Director of Finance are authorized to make representations and enter into written agreements for the benefit of holders of the bonds or notes to provide secondary market disclosure information, which agreements may include such terms as they deem advisable or appropriate in order to comply with applicable laws or rules pertaining to the sale or purchase of such bonds or notes.

Section 7. That the Board of Education is authorized to apply for and accept state grants for the project. The Board of Education is authorized to file applications with the State Board of Education, to execute grant agreements for the project, and to file such documents as may be required by the State Board of Education to obtain grants for the costs of financing the project.

Section 8. That the Town Manager, the Director of Finance, the Board of Education and other proper officers of the Town are authorized to take all other action which is necessary or desirable to complete the project and to issue bonds or notes to finance the aforesaid appropriation.

Section 9. That, notwithstanding Sections 1, 2 and 3 of this ordinance: (a) the appropriation provided in this ordinance shall be spent on, and the borrowings provided in this ordinance shall be authorized for, a school project on only one of the two sites specified in Section 1, which specific site shall be determined by the voters in the manner described in Section 11 of this ordinance; and

(b) if the Eastern Point site is chosen as the site for the new elementary school, the appropriation and authorization of bonds and notes to finance the appropriation under this ordinance shall be limited to \$24,300,000.

Section 10. This ordinance shall become effective only if it has been adopted by vote of not less than five (5) members of the Town Council and by the Representative Town Meeting, and only if the appropriation set forth in Section 1 and the issuance of bonds and notes to finance said appropriation have been approved by the voters at referendum in accordance with Section 8.12 of the Town Charter, and notice of passage has been published in accordance with the provisions of the Town Charter.

Section 11. If the appropriation set forth in Section 1 and the issuance of bonds and notes to finance said appropriation are approved by the voters as provided in Section 10, this ordinance shall not become effective until the voters at referendum, in accordance with Section 8.12 of the Town Charter, have determined whether the expenditure of the appropriation and the borrowing authorization shall be applied to a school project at the existing Eastern Point Elementary School site or at the King property site, and notice of passage of such determination has been published in accordance with the Town Charter.

A motion was made by Mayor Watson, seconded by Councilor Bartinik, Jr., that this matter be Recommended for a Resolution .

Councilor Sheets voiced disappointment that the cost stated in the title of the ordinance is \$21,600,000, and the cost at the existing site is not cited until later in the text. The Town Manager explained that, given the way the Council has chosen to proceed, there is no way to cite two costs in the bond attorney's opinion. The ordinance as written covers both options since it authorizes up to a certain amount, in the bond attorney's opinion.

Councilor Skrmetti recognized Deb Monteiro, a member of the RTM, who spoke as a private citizen. She referenced the controversy surrounding the number of questions. She thinks that the fourth question will be confusing and will invite challenges. She urged the Council to consider three questions, with the Eastern Point question not site-specific. It will allow the Council to do site tests and investigations, and decide on an appropriate site after the referendum.

Councilor Skrmetti feels that site selection is the job of the Town Council, not the voters. The ordinance as proposed allows the possibility of building on the existing site, which negates the work of the School Design Committee, and ignores the wishes of the City of Groton and Board of Education.

Councilor Kolnaski agreed with Councilor Skrmetti, and asked the other Councilors for their opinions. Mayor Watson feels that this proposal is a compromise. Councilor Skrmetti stated he could support three questions, with the Council choosing the location.

The Town Manager distributed a letter from the Town Clerk and a response from the Secretary of State's office regarding the referendum questions. The response indicates that all questions regarding referenda should be referred to the Town Attorney and the Secretary of State's office only deals with elections at which public officials are chosen. The bond attorney, Ted See, is preparing a response including a history of the four questions.

Councilor Wright stated that she supports the proposed ordinance, although she favors the original formulation of the bond attorney. Councilor Wright believes that the bond attorney has stated that a new school referendum must be site-specific. The Town Manager explained he has discussed this issue with the bond attorney who felt it would be extremely unusual to not identify a site.

Councilor Wright called the Elections Commission of the Secretary of State's Office regarding the propriety of giving the voters a choice on location. She was specifically assured that the office is

not going to assert jurisdiction and the position that was cited in the newspaper article was not accurate. Since this is a stand-alone referendum it does not fall within the statutes but under the Charter.

Councilor Bond asked if there is any news about extending the existing funds. The Town Manager has not heard if legislation has been submitted. She asked if anything has been received in writing from the State on the funding for Eastern Point, and the Town Manager stated he hasn't seen anything. She suggested it is time to move forward on the compromise and she supports the ordinance.

Councilor Sheets is extremely concerned about passing the referendum. She feels the last referendum failed because the voters didn't have a choice. The bottom line is the need to pass a referendum to get a new school for Eastern Point children. The voters are being given a choice, and now both sides need to get out and make their cases.

Councilor Skrmetti reiterated his concern about building Eastern Point on the existing site.

The motion carried by the following vote:

Votes: In Favor: 6 - Mayor Watson, Councilor Bartinik, Jr., Councilor Bond, Councilor Kolnaski, Councilor Sheets and Councilor Wright
Opposed: 1 - Councilor Skrmetti

2004-0089

Adoption of Ordinance for Demolition of Freeman Hathaway and Construction of a New Elementary School

ADOPTION OF ORDINANCE APPROPRIATING \$20,800,000 FOR DEMOLITION OF THE FORMER FREEMAN-HATHAWAY ELEMENTARY SCHOOL FACILITY AND CONSTRUCTION OF A NEW ELEMENTARY SCHOOL ON THE SAME PROPERTY AND AUTHORIZING THE ISSUE OF BONDS AND NOTES IN THE SAME AMOUNT TO FINANCE SAID APPROPRIATION

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GROTON:

Section 1. That the sum of TWENTY MILLION EIGHT HUNDRED THOUSAND DOLLARS (\$20,800,000) is appropriated for demolition of the former Freeman-Hathaway Elementary School facility and construction of a new Elementary School to be located on the existing Freeman-Hathaway property off Oslo Street in the northeastern part of Groton. The project will include demolition of the former school building, design and construction of an approximately 74,000 square foot new elementary school which will include eighteen classrooms for grades kindergarten through five, a pre-kindergarten classroom, a science classroom, art classroom, music classroom, special education spaces, resource room, media center, gymnasium, cafeteria/multi-purpose room, kitchen, spaces and facilities for administration, support services and storage, recreational fields, parking and access drives. The appropriation may be spent for design and construction costs, demolition costs, equipment, furnishings, materials, land or easement acquisition, necessary utilities, parking, road and sidewalk improvements to and on the school sites, site improvements, portable classrooms, storage and moving costs, architects' fees, engineering fees, construction manager fees, legal fees, net interest on borrowings and other financing costs, and other expenses related to the project or its financing. The Town Council, or its designee, shall approve the final concept for the school project. The Town Council may reduce or modify the project and may delete portions of the project if funds are insufficient to complete the entire project.

Section 2. That the Town issue bonds or notes, in an amount not to exceed TWENTY MILLION EIGHT HUNDRED THOUSAND DOLLARS (\$20,800,000) to finance the appropriation for the project. The amount of bonds or notes authorized to be issued shall be reduced by the amount of grants received by the Town for the project. The bonds or notes shall be issued pursuant to Section 7-369 and 10-289 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds or notes shall be secured by the irrevocable pledge of the full faith and credit of the Town of Groton. The Town does hereby covenant and agree with the holders of

the bonds or notes and all notes issued in anticipation of the receipt of the proceeds from the sale of such bonds or notes that in each year while any such bonds or notes are outstanding, it will levy and collect ad valorem taxes upon all taxable properties within the Town in an amount sufficient, with such other funds of the Town as shall be available for such purpose, to pay the interest and principal on the bonds or notes as the same become due and payable.

Section 3. That the Town issue and renew temporary notes from time to time in anticipation of the receipt of the proceeds from the sale of the bonds or notes for the project or the receipt of grants for the project. The amount of the notes outstanding at any time shall not exceed TWENTY MILLION EIGHT HUNDRED THOUSAND DOLLARS (\$20,800,000). The notes shall be issued pursuant to Section 7-378 of the General Statutes of Connecticut, Revision of 1958, as amended. The notes shall be secured by the irrevocable pledge of the full faith and credit of the Town, payable as provided in Section 2. The Town shall comply with the provisions of Section 7-378a of the General Statutes with respect to any notes that do not mature within the time permitted by said Section 7-378.

Section 4. That the Town Council shall determine the amount of bonds or notes authorized by Section 2 to be sold. The Town Manager and the Director of Finance shall determine the amount of any temporary notes authorized by Section 3 to be sold. The Town Manager and the Director of Finance of the Town shall sign any bonds or notes by their manual or facsimile signatures. The law firm of Day, Berry & Howard LLP is designated as bond counsel to approve the legality of the bonds or notes. The Town Manager and the Director of Finance are authorized to determine the dates, interest rates, maturities, redemption provisions, form and other details of the bonds or notes; to provide for the keeping of a record of the bonds or notes; to designate one or more banks or trust companies to be certifying bank, registrar, transfer agent and paying agent for the bonds or notes; to designate a financial advisor to the Town in connection with the sale of the bonds or notes; to sell the bonds or notes at public or private sale; to deliver the bonds or notes; and to perform all other acts which are necessary or appropriate to issue the bonds or notes.

Section 5. That the Town hereby declares its official intent under Federal Income Tax Regulation Section 1.150-2 that project costs may be paid from temporary advances of available funds and that (except to the extent reimbursed from grant moneys) the Town reasonably expects to reimburse any such advances from the proceeds of borrowings in an aggregate principal amount not in excess of the amount of borrowing authorized above for the project. The Town Manager and the Director of Finance are authorized to amend such declaration of official intent as they deem necessary or advisable and to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds or notes authorized by this ordinance if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years.

Section 6. That the Town Manager and the Director of Finance are authorized to make representations and enter into written agreements for the benefit of holders of the bonds or notes to provide secondary market disclosure information, which agreements may include such terms as they deem advisable or appropriate in order to comply with applicable laws or rules pertaining to the sale or purchase of such bonds or notes.

Section 7. That the Board of Education is authorized to apply for and accept state grants for the project. The Board of Education is authorized to file applications with the State Board of Education, to execute grant agreements for the project, and to file such documents as may be required by the State Board of Education to obtain grants for the costs of financing the project.

Section 8. That the Town Manager, the Director of Finance, the Board of Education and other proper officers of the Town are authorized to take all other action which is necessary or desirable to complete the project and to issue bonds or notes to finance the aforesaid appropriation.

Section 9. This ordinance shall become effective only if it has been adopted by vote of not less than five (5) members of the Town Council and by the Representative Town Meeting, and only if the appropriation set forth in Section 1 and the issuance of bonds and notes to finance said appropriation have been approved by the voters at referendum in accordance with Section 8.12 of the Town Charter, and notice of passage has been published in accordance with the provisions of the Town Charter.

A motion was made by Councilor Wright, seconded by Councilor Skrmetti, that this matter be Recommended for a Resolution .

The motion carried unanimously.

2004-0090

Adoption of Ordinance for Renovations and Additions to Fitch High School

ADOPTION OF ORDINANCE APPROPRIATING \$45,000,000 FOR PHASE I OF RENOVATIONS AND ADDITIONS TO FITCH HIGH SCHOOL AND AUTHORIZING THE ISSUE OF BONDS AND NOTES IN THE SAME AMOUNT TO FINANCE SAID APPROPRIATION

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GROTON:

Section 1. That the sum of FORTY FIVE MILLION DOLLARS (\$45,000,000) is appropriated for renovations and additions to Fitch High School to be located on the existing high school site off Groton Long Point Road in the southern part of Groton. The Phase I project will include design and construction of additions of approximately 119,000 square feet, renovations of approximately 40,000 square feet of the existing facility and demolition of approximately 50,000 square feet of the existing facility. The additions and renovations will include approximately twenty four classrooms for grades nine through twelve, science classrooms/laboratories, art studios, technology and vocational education classrooms, language classrooms, special education classrooms, cafeteria and support spaces, and spaces and facilities for administration, support services and storage, parking and access drives as well as temporary classrooms and support spaces. The appropriation may be spent for design and construction costs, demolition costs, equipment, furnishings, materials, land or easement acquisition, necessary utilities, parking, road and sidewalk improvements to and on the school sites, site improvements, portable classrooms, storage and moving costs, architects' fees, engineering fees, construction manager fees, legal fees, net interest on borrowings and other financing costs, and other expenses related to the project or its financing. The Town Council, or its designee, shall approve the final concept for the school project. The Town Council may reduce or modify the project and may delete portions of the project if funds are insufficient to complete the entire project.

Section 2. That the Town issue bonds or notes, in an amount not to exceed FORTY FIVE MILLION DOLLARS (\$45,000,000) to finance the appropriation for the project. The amount of bonds or notes authorized to be issued shall be reduced by the amount of grants received by the Town for the project. The bonds or notes shall be issued pursuant to Section 7-369 and 10-289 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds or notes shall be secured by the irrevocable pledge of the full faith and credit of the Town of Groton. The Town does hereby covenant and agree with the holders of the bonds or notes and all notes issued in anticipation of the receipt of the proceeds from the sale of such bonds or notes that in each year while any such bonds or notes are outstanding, it will levy and collect ad valorem taxes upon all taxable properties within the Town in an amount sufficient, with such other funds of the Town as shall be available for such purpose, to pay the interest and principal on the bonds or notes as the same become due and payable.

Section 3. That the Town issue and renew temporary notes from time to time in anticipation of the receipt of the proceeds from the sale of the bonds or notes for the project or the receipt of grants for the project. The amount of the notes outstanding at any time shall not exceed FORTY FIVE MILLION DOLLARS (\$45,000,000). The notes shall be issued pursuant to Section 7-378 of the General Statutes of Connecticut, Revision of 1958, as amended. The notes shall be secured by the irrevocable pledge of the full faith and credit of the Town, payable as provided in Section 2. The Town shall comply with the provisions of Section 7-378a of the General Statutes with respect to any notes that do not mature within the time permitted by said Section 7-378.

Section 4. That the Town Council shall determine the amount of bonds or notes authorized by Section 2 to be sold. The Town Manager and the Director of Finance shall determine the amount of any temporary notes authorized by Section 3 to be sold. The Town Manager and the Director of Finance of the Town shall sign any bonds or notes by their manual or facsimile signatures. The law firm of Day, Berry & Howard LLP is designated as bond counsel to approve the legality of the

bonds or notes. The Town Manager and the Director of Finance are authorized to determine the dates, interest rates, maturities, redemption provisions, form and other details of the bonds or notes; to provide for the keeping of a record of the bonds or notes; to designate one or more banks or trust companies to be certifying bank, registrar, transfer agent and paying agent for the bonds or notes; to designate a financial advisor to the Town in connection with the sale of the bonds or notes; to sell the bonds or notes at public or private sale; to deliver the bonds or notes; and to perform all other acts which are necessary or appropriate to issue the bonds or notes.

Section 5. That the Town hereby declares its official intent under Federal Income Tax Regulation Section 1.150-2 that project costs may be paid from temporary advances of available funds and that (except to the extent reimbursed from grant moneys) the Town reasonably expects to reimburse any such advances from the proceeds of borrowings in an aggregate principal amount not in excess of the amount of borrowing authorized above for the project. The Town Manager and the Director of Finance are authorized to amend such declaration of official intent as they deem necessary or advisable and to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds or notes authorized by this ordinance if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years.

Section 6. That the Town Manager and the Director of Finance are authorized to make representations and enter into written agreements for the benefit of holders of the bonds or notes to provide secondary market disclosure information, which agreements may include such terms as they deem advisable or appropriate in order to comply with applicable laws or rules pertaining to the sale or purchase of such bonds or notes.

Section 7. That the Board of Education is authorized to apply for and accept state grants for the project. The Board of Education is authorized to file applications with the State Board of Education, to execute grant agreements for the project, and to file such documents as may be required by the State Board of Education to obtain grants for the costs of financing the project.

Section 8. That the Town Manager, the Director of Finance, the Board of Education and other proper officers of the Town are authorized to take all other action which is necessary or desirable to complete the project and to issue bonds or notes to finance the aforesaid appropriation.

Section 9. This ordinance shall become effective only if it has been adopted by vote of not less than five (5) members of the Town Council and by the Representative Town Meeting, and only if the appropriation set forth in Section 1 and the issuance of bonds and notes to finance said appropriation have been approved by the voters at referendum in accordance with Section 8.12 of the Town Charter, and notice of passage has been published in accordance with the provisions of the Town Charter.

A motion was made by Councilor Bond, seconded by Councilor Kolnaski, that this matter be Recommended for a Resolution .

The motion carried unanimously.

The Town Clerk noted that anyone from the Council or Board of Education can speak regarding the referendum until the questions and referendum date are set. Discussion followed on the restriction on the use of public funds.

4. ADJOURNMENT

A motion was made by Councilor Bartinik, seconded by Councilor Skrmetti, to adjourn at 6:43 p.m.

The motion carried unanimously.